

## Item SP04-25 Response Form

**Title:** Judicial Branch Budget Delegation Authority (amend rule 6.101 of the California Rules of Court)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **only if modified**
- ☐ **Do not agree** with proposed changes

Comments: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

**Address:** Ms. Romunda Price,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102  
**Fax:** (415) 865-7664      **Attention:** Romunda Price  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

<b>DEADLINE FOR COMMENT: 5:00 P.M Tuesday, October 12, 2004</b>
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

<i>Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.</i>
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Title	Judicial Branch Budget Delegation Authority (amend rule 6.101 of the California Rules of Court).
Summary	The proposed amendment to rule 6.101 would provide permanent authority to the Chief Justice and the Administrative Director of the Courts to make technical changes and negotiate changes to the Judicial Branch budget consistent with council policy and would authorize them to allocate the non-trial court budget.
Source	Staff
Staff	Michael A. Fischer, Senior Attorney, Office of General Counsel
Discussion	<p>Each year, when the Judicial Council adopts a proposed budget for the judicial branch, the council delegates to the Chief Justice and the Administrative Director of the Courts the authority to make technical changes as appropriate to the proposed budget and also to enter into negotiations with members of the Executive and Legislative Branches and make changes in the budget proposal in response to those negotiations. The Chief Justice and the Administrative Director of the Courts are also authorized by the council, each year, to allocate the non-trial court budget on behalf of the council.</p> <p>The budgetary process that results in the final judicial branch budget, as passed by the Legislature and signed by the Governor, often requires quick agreement and the ability to negotiate changes with authority. The experience of prior budget years, when the council has delegated this authority on an annual basis, has shown this procedure provides appropriate flexibility and effectiveness consistent with council policy decisions.</p> <p>In order to ensure that this authority exists on a permanent basis without the need for yearly action, the Judicial Council has passed a permanent delegation of authority and has directed staff to prepare draft rule amendments setting forth this authority in the rules of court. Excerpts from the August 29, 2003 Judicial Council minutes showing this action are attached. The proposed amendments carry out this delegation.</p>

1 **Rule 6.101 of the California Rules of Court would be amended, effective January 1,**  
 2 **2005, to read as follows:**

3  
 4 (a) **[Purpose]** The purpose of this rule is to set forth the responsibilities of the  
 5 Judicial Council, the Chief Justice, the Administrative Director of the Courts,  
 6 and the Administrative Office of the Courts with respect to the judiciary's  
 7 budget.

8  
 9 (b) \* \* \*

10  
 11 (c) **[Authority of the Chief Justice and Administrative Director of the Courts]**

12  
 13 (1) The Chief Justice and the Administrative Director of the Courts, either  
 14 jointly or individually, may take the following actions, on behalf of the  
 15 Judicial Council, with regard to any of the Judicial Council's  
 16 recommended budgets for the Supreme Court, the Courts of Appeal, the  
 17 trial courts, and the Judicial Council:

18  
 19 (i) Make technical changes; and

20  
 21 (ii) Make changes during negotiations with the Legislative and  
 22 Executive Branches consistent with the goals and priorities adopted  
 23 by the Judicial Council. The Chief Justice and the Administrative  
 24 Director of the Courts must advise the council of the results of the  
 25 negotiations.

26  
 27 (2) The Chief Justice and the Administrative Director of the Courts, either jointly  
 28 or individually, may allocate and reallocate to the Supreme Court, the Courts  
 29 of Appeal, and the Judicial Council, on behalf of the Judicial Council, the  
 30 appropriated budget for each entity following approval of the State Budget.

31  
 32 (d) **[Duties of Administrative Director]** The Administrative Director of the  
 33 Courts shall implement the directives of the Judicial Council and shall:

34  
 35 (1) Develop policies and procedures for the creation and implementation of a  
 36 yearly budget for the judiciary;

37  
 38 (2) Present the judiciary's budget in negotiations with the Governor and the  
 39 Legislature; and

40  
 41 (3) Allocate to the trial courts, on behalf of the Judicial Council, a portion of  
 42 the prior fiscal year baseline allocation ~~budget~~ for the trial courts

1 following approval of the State Budget and before the allocation of state  
2 trial court funding by the Judicial Council. The portion of the prior fiscal  
3 year baseline allocation budget that may be so allocated is limited to the  
4 amount estimated to be necessary for the operation of the courts pending  
5 action by the Judicial Council, and may not exceed 25 percent of the prior  
6 fiscal year baseline allocation budget for each trial court. ~~The term~~  
7 ~~“baseline budget” as used in this rule has the same meaning as in rule~~  
8 ~~6.45(b)(1).~~

9  
10 ~~(d)(e)~~ \* \* \*

Excerpts from Judicial Council Meeting Minutes

Meeting of August 29, 2003

5. Delegated authority to the Chief Justice and the Administrative Director of the Courts to make changes to the council's recommended trial court budgets during negotiations with the legislative and executive branches.
6. Directed staff to draft, or amend as necessary, a rule of court for Judicial Council consideration that delegates authority to the Chief Justice and the Administrative Director of the Courts to:
  - Make technical adjustments to the council's recommended trial court budgets; and
  - Make changes to the council's recommended trial court budgets during negotiations with the legislative and executive branches.
10. Delegated authority to the Chief Justice and the Administrative Director of the Courts to allocate the budget to judiciary entities (0250, which includes the Supreme Court, Courts of Appeal, and Administrative Office of the Courts), and adjust allocations as necessary.
11. Delegated authority to the Chief Justice and the Administrative Director of the Courts to make changes to the council's recommended judiciary entity (0250) budgets during negotiations with the legislative and executive branches.
12. Directed staff to draft, or amend as necessary, a rule of court for Judicial Council consideration that delegates authority to the Chief Justice and the Administrative Director of the Court to:
  - Make technical adjustments to the council's recommended judiciary entity (0250) budgets;
  - Make changes to the council's recommended judiciary entity (0250) budgets during negotiations with the legislative and executive branches; and
  - Allocate the budget to judiciary (0250) entities, and adjust allocations as necessary.